

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GABRIEL L. GRASSO, ESQ., et al.,

Plaintiffs,

vs.

YALE L. GALANTER, ESQ., et al.,

Defendants.

2:12-cv-00738-GMN-NJK

ORDER

This matter came before the Court on Defendant's Motion for a More Definite Statement Under Rule 12(e). The Court has considered the Defendant's Motion (#5), the Plaintiff's Response (#7), and the Defendant's Reply (#9).

BACKGROUND

On March 30, 2012, the Plaintiff filed the present action in the Eight Judicial District Court, Clark County, Nevada. Petition for Removal (#1). The Complaint alleges seven separate claims for relief against the Defendant, all arising out of an alleged contract between the Plaintiff and Defendant. *Id.* The alleged contract concerned payment of legal fees to the Plaintiff by the Defendant for the local representation of Orenthal J. Simpson in a criminal case. *Id.*

On May 2, 2012, the case was removed to the United States District Court for the District of Nevada. *Id.* Presently before the Court is the Defendant's Motion for a More Definite Statement (#5). The Defendant asserts that the Complaint is too vague, ambiguous, and speculative for him to respond adequately. *Id.*

DISCUSSION

A motion for more definite statement is disfavored. *See U.S. E .E.O.C. v. Alia Corp.*, 842 F.Supp.2d 1243, 1250 E.D. Cal.2012); *C .B. v. Sonora School Dist.*, 691 F.Supp.2d 1170, 1191 E.D. Cal.2010). “The purpose of Rule 12(e) is to provide relief from a pleading that is unintelligible, not one that is merely lacking detail.” *E .E.O.C. v. Alia Corp.*, 842 F.Supp.2d at 1250. “Where the [pleading] is specific enough to [apprise] the responding party of the substance of the claim [or defense] being asserted or where the detail sought is otherwise obtainable through discovery, a motion for a more definite statement should be denied.” *Id.*

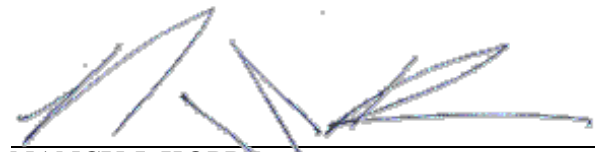
The Court has reviewed Plaintiff’s Complaint (Petition for Removal (#1)) and does not find it to be unintelligible. Instead, the Court finds that it comports with the requirements set forth in Federal Rule of Civil Procedure 8, which provides that a pleading must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed.R.Civ.P. 8(a)(2). Accordingly, the Defendant must provide a responsive pleading.

CONCLUSION

Based on the foregoing, and good cause appearing therefore,

IT IS HEREBY ORDERED that the Defendant’s Motion for a More Definite Statement (#5) is DENIED.

DATED this 30th day of January, 2013



NANCY J. KOPPE
United States Magistrate Judge